

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2198 – SB 3663

February 17, 2012

SUMMARY OF BILL: Increases, from a Class A misdemeanor to a Class E felony, the penalty for commercial tattooing of a minor. Creates a Class A misdemeanor offense for falsifying documents for the purpose of obtaining tattooing services for a minor. Creates a fine of not less than \$50 nor more than \$250 and not less than 20 hours of community service work for a minor who knowingly makes a false statement or exhibits false identification for the purpose of obtaining tattooing services. Requires any parent, legal guardian, teacher, or medical provider for a minor who discovers that such minor has been tattooed to report the discovery to the Department of Health (DOH) within three weekdays of making such discovery. Requires an owner or an operator of a tattoo establishment to post a copy of this statute in a conspicuous place where it may be readily observed by the public. Requires such establishment to obtain a signed acknowledgment from a minor's parent or guardian if the establishment performs tattooing services for a minor to cover up an existing tattoo. Requires such acknowledgment and a record of the service to be forwarded to DOH and requires DOH to maintain such documents until the minor is 20 years of age.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$7,200/Incarceration*

Assumptions:

- Ensuring compliance with the provisions of this bill will not result in a significant fiscal or regulatory impact on DOH. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- State court convictions are 10 percent of the total convictions statewide. According to the Administrative Office of the Courts, there has been one misdemeanor conviction in the past four years for a violation involving tattooing of a minor. Total convictions, including general sessions courts, are estimated to be an average of 10 per year.
- The Department of Correction (DOC) estimates one person every four years will receive a Class E felony rather than a misdemeanor conviction as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as

required by Tenn. Code Ann. § 9-4-210, is based on one Class E offender every four years.

- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days). The annualized cost per year is \$7,171.76 (0.25 annual number of convictions x \$28,687.03).
- Due to the small number of offenders and the relatively short time served, no recidivism discount has been applied for these offenses.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.
- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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